

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CELVIN LISANDRO PEREZ RAMOS, et al.,

Plaintiffs,

-v-

BDJVEGAN1, INC., et al.,

Defendants.

CIVIL ACTION NO.: 16 Civ. 8776 (SLC)

**ORDER TO SUBMIT SETTLEMENT
MATERIALS**

SARAH L. CAVE, United States Magistrate Judge.

On September 30, 2020, the parties consented to the jurisdiction of a United States Magistrate Judge for all purposes. (ECF No. 74). On September 22, 2021, the parties advised the Court that they have reached a settlement in principle. (ECF No. 110).

This case contains one or more claims arising under the Fair Labor Standards Act. In light of the requirements of Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015), the parties must file a joint Letter-Motion that addresses whether the settlement is fair and reasonable (the “Cheeks Submission”).

The parties must file their Cheeks Submission by **October 6, 2021**, and should address the claims and defenses, the defendants’ potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the plaintiffs’ case and the defendants’ defenses, any other factors that justify the discrepancy between the potential value of plaintiffs’ claims and the settlement amount, the litigation and negotiation process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The Cheeks Submission should also explain plaintiff's attorneys' fee arrangement, attach a copy of any retainer agreement, and provide information as to actual attorneys' fees incurred (including billing records and cost documentation). Finally, a copy of the settlement agreement itself must accompany the Cheeks Submission.

This case will remain on the Court's trial calendar until the parties file the Cheeks Submission. The bench trial remains scheduled to begin on Monday, October 25, 2021, and the final pretrial conference remains scheduled for Tuesday, October 19, 2021. The parties' deadline to file the proposed joint pretrial order and their motions in limine is ADJOURNED to **October 13, 2021**. If the parties file their Cheeks Submission, the Court will adjourn these appearances and deadlines.

Dated: New York, New York
September 22, 2021

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge